

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

CLORA MITCHELL,

*Plaintiff,*

v.

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

*Defendant.*

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Civil Action No. 1:12-CV-477

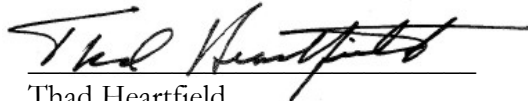
**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE  
AND DISMISSING CASE**

Plaintiff Clora Mitchell filed this case *pro se* against Defendant Commissioner of Social Security Administration, seeking review of the Administrative Law Judge's decision denying her claim for benefits. The case was referred to United States Magistrate Judge Keith Giblin for determination of non-dispositive pretrial matters pursuant to 28 U.S.C. § 636 and General Order 05-07. The magistrate judge recommended that Defendant's motion to dismiss be granted and Plaintiff's case dismissed because it was filed untimely. Doc. # 14. Plaintiff has now filed objections. Doc. # 16.

Pursuant to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b), the court has conducted a *de novo* review of the magistrate judge's report and recommendation, Plaintiff's objections, and the record as a whole, and concludes that Plaintiff's objections are without merit. Plaintiff's objections do not address the key problem in this case—that her case was filed untimely—nor do they provide any grounds for concluding that the failure to timely file suit can be excused.

IT IS THEREFORE ORDERED that the court OVERRULES Plaintiff's objections and ADOPTS Judge Giblin's Report and Recommendation. Defendant Commissioner of Social Security Administration's Motion to Dismiss [Doc. # 11] is GRANTED and this case is dismissed.

**SIGNED** this the **17** day of **April, 2013**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge